

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Establish an Office of Administrative Law Judges for Licensing Boards**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 10 MRSA §8001, sub-§3-A**, as enacted by PL 2001, c. 182, §5, is amended to read:

**3-A. Office of Securities.** Office of Securities; and

**Sec. 2. 10 MRSA §8001, sub-§3-B** is enacted to read:

**3-B. Independent Office of Administrative Law Judges.** Independent Office of Administrative Law Judges; and

**Sec. 3. 10 MRSA §8003, sub-§2-B** is enacted to read:

**2-B. Independent Office of Administrative Law Judges.** Effective October 1, 2011, the Independent Office of Administrative Law Judges, as set forth in section 8001, subsection 3-B, is established within the department. The Independent Office of Administrative Law Judges is responsible for hearing and deciding all occupational and professional licensing enforcement actions that are brought against a licensee or a registrant and referred by the Office of Licensing and Registration.

A. The commissioner may appoint a director of the Independent Office of Administrative Law Judges, who must be either a licensed attorney admitted to the practice of law in the State or a retired judge of the District Court or Superior Court. The director may hire administrative law judges necessary to perform the responsibilities under this section. An administrative law judge must be admitted to the practice of law in the State and registered with the Board of Overseers of the Bar or be a retired judge of the District Court or Superior Court. The director may hire clerical and technical assistants necessary to discharge the duties of the office and shall outline their duties and fix their compensation, subject to the Civil Service Law.

B. The Maine Rules of Evidence apply in all enforcement actions brought under this subsection against a licensee or registrant, and the parties may conduct and use the same discovery procedures as provided in the Maine Rules of Civil Procedure.

C. A person aggrieved by an enforcement of the Independent Office of Administrative Law Judges may, within 30 days of the enforcement action, appeal to the District Court.

**Sec. 4. Transition.** The Commissioner of Professional and Financial Regulation shall identify the statutory and rule changes necessary to implement this Act, including, but not limited to, identifying those changes necessary to authorize the Independent Office of Administrative Law Judges, established in the Maine Revised Statutes, Title 10, section 8003, subsection 2-B, to hear and decide all licensing board enforcement actions and for licensing boards to receive, review and investigate licensing complaints for referral to the Independent Office of Administrative Law Judges. The commissioner shall submit a

report that includes the commissioner's findings and recommendations, including suggested legislation to implement the statutory changes, to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters by January 15, 2011. After receipt and review of the report, the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters may submit legislation to the First Regular Session of the 125th Legislature.

**Sec. 5. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 10, section 8001, subsection 3-A and enact Title 10, section 8001, subsection 3-B and Title 10, section 8003, subsection 2-B take effect October 1, 2011.

## SUMMARY

This bill establishes the Independent Office of Administrative Law Judges to decide cases related to licensing complaints from licensing boards under the Department of Professional and Financial Regulation.